

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 18325 of 2004

Between:

D.Ramakrishna Murthy s/o Late Venkata Sastry
Bhimavaram Municipality , West Godavari District.

..... PETITIONER

AND

- 1 The Commissioner, Palakollu Municipality Palakollu,
West Godavari District.
- 2 The Regional Director-cum Appellate Commissioner of Municipal

Administration, Rajahmundry , East Godavari District

- 3 The Government of Andhra Pradesh rep.by its Secretary, Municipal

Administration and Urban Development Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ Particularly one in the nature of Writ of Certiorari calling for the records relating to the Judgment of the AP.Administrative Tribunal in OA.No.6528/2004, dt. 02/04/2004 and set-aside the same and Hold that the petitioner is entitled for computation of seniority in the cadre of Junior Assistants from the date of 1st appointment by duly treating his as having been appointed as Junior Assistant from the date of his 1st appointment i.e., 18/11/1983 without reference to the appointment as Record Assistant with all consequential benefits.

Counsel for the Petitioner:MR.D.LINGA RAO

Counsel for the Respondent Nos.2 & 3: GP FOR MUNICIPAL ADMN. & URBAN DEV.

The Court at the stage of admission made the following:

ORDER:(PER THE HON'BLE SRI JUSTICE GODA RAG8HURAM)

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Aggrieved by the order dated 02.04.2004 dismissing O.A.No.6528 of 2001, of the A.P. Administrative Tribunal (for short 'the Tribunal'), the applicant has filed this writ petition.

The petitioner's father while working as a Secondary Grade Teacher in the Municipal Elementary School, Bhimavaram, died on 24.07.1981. The petitioner made a representation for compassionate appointment. He claimed eligibility for appointment as a Junior Assistant on the basis of his qualifications. He was however appointed by proceedings dated 18.11.1983 as a Record Assistant by the Commissioner, Bhimavaram Municipality. There were no existing vacancies of Junior Assistant as on the date of his appointment as Record Assistant. Subsequently, he was promoted as a Junior Assistant on 16.04.1990. When a seniority list of Junior Assistants was issued in 2001, the petitioner represented for counting of his seniority in the category of Junior Assistant with effect from 1983. This request was rejected. Thereupon, he filed O.A. seeking the relief of reckoning his seniority as Junior Assistant w.e.f. 18.11.1983.

By the order impugned herein, the Tribunal dismissed the O.A. on the ground that the petitioner having accepted his initial appointment in November, 1983 could not at the belated point of time have questioned such appointment nor could have sought the relief of reckoning his seniority as a Junior Assistant w.e.f. 18.11.1983 on which date he was appointed as a Record Assistant. The Tribunal also held that the order dated 18.11.1983 appointing the petitioner as a

Record Assistant was never questioned by the petitioner in any forum and he had accepted the said appointment and worked as a Record Assistant until his promotion as a Junior Assistant in 1990.

We find no error in the application of law or in the exercise of discretion by the Tribunal warranting interference in this writ petition. Accordingly, the writ petition is dismissed at the admission stage. No costs.

J.CHELAMESWAR, J

GODA RAGHURAM, J

Dated 01st November, 2004.

YCR/MRK

To

1 The Commissioner, Palakollu Municipality Palakollu,
West Godavari District.

2 The Regional Director-cum Appellate Commissioner of Municipal

Administration, Rajahmundry , East Godavari District

3 The Secretary, Government of Andhra Pradesh ,
Municipal Administration and Urban Development Department,
Secretariat, Hyderabad.

4. The Registrar, A.P. Administrative Tribunal, Hyderabad.

5. 2 ccs to G.P. for Municipal Administration and Urban Development, High
Court Buildings, Hyderabad (OUT).

6. 2 C.D. copies.